

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DUNKIN' DONUTS FRANCHISED :  
RESTAURANTS, LLC,  
BASKIN-ROBBINS FRANCHISED SHOPS LLC, :

Plaintiffs, : Case No. 07-CV-3108 (RWS)

v. :

TKNY PARTNERS LLC, :

Defendant. :

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**CERTIFICATION OF RONALD D. DEGEN PURSUANT TO LOCAL RULE 6.1(d)**

1. I am a member of the Bar of this Court and a member of the firm of O'Rourke & Degen, PLLC, local counsel for Plaintiffs Dunkin' Donuts Franchised Restaurants LLC ("Dunkin' Donuts") and Baskin-Robbins Franchised Shops LLC ("Baskin-Robbins").

2. I have been outside counsel for Dunkin' Donuts in New York State for more than 25 years and for Baskin-Robbins for more than 11 years, and am fully familiar with the facts and circumstances of this case and the operation of Dunkin' Donuts and Baskin-Robbins franchises.

3. This Certification is being submitted in support of Plaintiffs' motion for a preliminary injunction.

4. The statements made in Plaintiffs' Memorandum of Law and signed by me are hereby incorporated herein by reference and made part of this Certification.

**REASON FOR REQUEST FOR PROCEEDING BY ORDER TO SHOW CAUSE**

5. On April 2, 2007 an employee of Dunkin' Donuts and Baskin-Robbins went to Defendant's place of business and observed that numerous standards violations still existed at the

shop. Immediate relief is needed, because Defendant has refused to remove violations listed on the Food Safety & Sanitation Inspection Report (Exhibit 2-A). Photographs taken of the Premises corroborate the statements of the Dunkin' Donuts/Baskin-Robbins employee that food and sanitation violations exist. (Exhibit 2-C).

6. Every day the health of consumers and the reputation of Dunkin' Donuts are at risk as a result of the refusal of Defendant to clean up its store. The potential damage to the reputation of Dunkin' Donuts and Baskin-Robbins may be incapable of being repaired.

7. Unless this Court allows Plaintiffs to proceed by order to show cause, valuable time will have been lost and Defendant will be able to continue to operate a Dunkin' Donuts and Baskin-Robbins shop that has flies, dirty food racks, food products that are not protected from contamination, and refrigerated items that are not stored in the cold holding unit.

**CERTIFICATIONS SUBMITTED IN SUPPORT OF MOTION**

8. In support of this application Plaintiff is submitting the Certifications of Jack Laudermilk and Todd Matlovsky (Exhibits 1 and 2).

**NO PREVIOUS APPLICATION**

9. No previous request has been made for the relief requested herein.

I certify under penalty of perjury that the foregoing is true and correct. Executed on this 19th day of April, 2007.

/s/ Ronald D. Degen  
**RONALD D. DEGEN (RD 7808)**